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09/544,523	04/06/2000	MIKEL A. LEHRMAN	ML-1	7812

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EXAMINER
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TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/544,523

Applicant(s)

LEHRMAN, MIKEL A.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/26/2005 with respect to claims 1-28 & 33-38 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 7/26/2005 with respect to claims 30-32 have been fully considered but they are not persuasive.

Regarding claim 30, the Applicant asserts that Neither Watanabe or Ray, used either alone or in combination, show or suggest a structure with a magnetic strip that includes credit card information and a display that is located on the structure (Remarks, page 21).

In response, the Examiner respectfully disagrees with the Applicant. Ray clearly teaches a credit card (10) having a magnetic strip that includes the credit card information (see Ray, Figs. 1 & 2; col. 1, lines 6-12). Ray also teaches that the digital image of cardholder is stored in the credit card. Thus, each card has image information unique to the cardholder for preventing fraudulent charges (Ray, col. 4, lines 8-26). With respect to "a display that is located on the structure", this limitation is taught in the base reference to Watanabe, Figs. 1 & 5; col. 6, lines 10-15. Furthermore, the suggestion of Watanabe in col. 6, lines 10-15 for applying the invention feature to various applications would include credit card application so that the card would not only used as a personal electronic photo album but also used for card validation in convenient and secured manner in view of Ray (see previous Office Action, page 12). In view of the above, the combination of Watanabe and Ray has met the limitations of claims 30-32.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 6, 7, 9, 11, 13-19, 22, 27 & 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161) in view of Freeman et al (US 6,068,183).

Regarding claim 1, Watanabe discloses a portable electronic photo album comprising:  
a housing structure (Figs. 1 & 5) that fits within a pocket-sized wallet (see col. 6, lines 10-15, wherein the memory cartridge 20 can be as small as **an ID card** which inherently fits within a pocket-sized wallet);

an electronic display (LCD 24), located within the housing capable of displaying digital images (Figs. 1 & 5; col. 3, lines 26-33 and note that images are digital images captured by digital camera 10);

memory (22), located within the housing, that stores one or more digital images (Figs. 4 & 7; col. 6, lines 50-61);

dedicated processing circuitry (CPU 21 and/or peripheral circuitry shown in Fig. 7) located within the housing and being coupled to the memory and the display, the processing circuitry being substantially dedicated to displaying on the electronic display the one or more digital images stored in the memory (col. 5, line 39 – col. 6, line 10).

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Watanabe does not specifically teach a speaker, located within the housing, for playing sound. Freeman teaches a wallet-sized Chip Card (10) that is featured with an internal memory for storing a plurality of images, a display for displaying images and a speaker for playing sound. See Freeman, Figs. 1A-2; col. 3, lines 26-38; col. 6, lines 59-65 and col. 1, lines and col. 1, lines 50-59.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the wallet-sized photo album in Watanabe by incorporating a speaker into the housing so as to enhance the photo album to a more attractive one having both display and speaker located within the housing for the user to view the images while listening to the sound.

Regarding claim 4, Watanabe also discloses that the housing includes at least one user input device (23a, 23b shown in Figs. 5 & 7) for advancing (forwarding/backwarding) which digital image is displayed on the electronic display (see Watanabe, col. 6, lines 25-50).

Regarding claim 6, it is clear in Watanabe that the electronic display is a liquid crystal display (24) as described in col. 3, lines 26-33.

Regarding claim 7, Watanabe does not explicit disclose that the liquid crystal display of the portable photo album (the ID card) is substantially flexible. However, Freeman teaches that the liquid crystal display of the chip card is substantially flexible to prevent crack or damage of the display when the card is stored in a pocket, wallet or purse (see Freeman, col. 6, lines 25-30, 59-65). Therefore, it would have been obvious to one of ordinary skill in the art to further

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modify the display of the portable photo album (the ID card) in Watanabe to be flexible so that the portable photo album (the ID card) is not cracked or damaged when it is stored in a pocket, wallet or purse as suggested by Freeman.

Regarding claim 9, Freeman further teaches that the digital images can be loaded into the memory via a wireless communication port (see Freeman, col. 2, lines 66-67 and col. 4, lines 17-20). Therefore, it would have been obvious to one of ordinary skill in the art to use one of available wireless technologies including infrared I/O port for implementing the wireless communication suggested by Freeman.

Regarding claim 11, see the analysis of claim 1, wherein Watanabe also discloses a portable electronic photo album *system* comprising: means (13-15; Fig. 4) for capturing the one or more digital images; a computer (system controller 11, signal processor 16) that receives the captured images and sends the images to the portable photo album (20) for storage in the memory (22) as described in col. 4, line 7 – col. 5, line 20. Watanabe further suggests that various other applications are possible beside the applications for desktop album or an ID card (see Watanabe, col. 6, lines 10-15 and col. 8, lines 38-41). Furthermore, Freeman teaches that at least one permanent digital image that is permanently stored in the memory (see Freeman, Fig. 2; col. 3, lines 45-55 and note the card owner's demographic or biographic data, i.e., one type of image data, is stored in the card ID section which must permanently store the data for verification purpose). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Watanabe and Freeman to implement an ID section within the

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memory for securely and permanently storing at least one image of the card's owner for an ID verification purpose beside the photo album feature so that a multi-purpose ID card would be realized.

Regarding claim 13, the means for capturing is clearly disclosed as a digital camera (10) as shown in Fig. 4 in Watanabe.

Regarding claims 14-16, Watanabe suggests that his electronic photo album can be connected to other recording apparatus or other playback apparatus beside the digital camera 10 (see col. 6, lines 19-22). Freeman further discloses that the card can be connected to PC or Laptop (see Freeman, Fig. 5B, col. 5, lines 32-35) for transmitting and receiving image data. Therefore, it would have been obvious to one of ordinary skill in the art to capture the image data using a CD-ROM, floppy disk of the computer or even a scanner attached to the computer in a conventional method.

Regarding claim 17, further disclosed is that the computer includes application software for manipulating the captured digital images (see Watanabe, col. 4, lines 19-22 or Freeman, Fig. 2).

Regarding claim 18, Watanabe shows that the computer includes a monitor (also LCD 24) when the memory cartridge is attached to the digital camera for displaying digital images that can be manipulated using software applications stored in the ROM and input units (push

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buttons) on the camera side such that the images appear exactly as being displayed on the LCD

24. See col. 5, lines 30-38 and col. 6, lines 15-18.

Regarding claim 19, see the analysis of claim 1. Watanabe does not explicitly disclose that the electronic display of the ID card is substantially flexible. However, Freeman teaches that the liquid crystal display of the chip card is substantially flexible to prevent crack or damage of the display when the card is stored in a pocket, wallet or purse (see Freeman, col. 6, lines 25-30, 59-65). Therefore, it would have been obvious to one of ordinary skill in the art to further modify the display of the portable photo album (the ID card) in Watanabe to be flexible so that the portable photo album is not cracked or damaged when it is stored in a pocket, wallet or purse as suggested by Freeman.

Regarding claim 22, see the analysis of claim 1.

Regarding claim 27, see the analysis of claim 9.

Regarding claim 33, see the analysis of claim 1. Furthermore, since the preloaded digital image is permanently stored in the ID memory section as the card owner's demographic or biographic data by the issuing company (Freeman, col. 3, lines 45-55), the owner (or user) does not have ability to load additional digital images into that section in order for the card to work properly.



Regarding claims 34 & 35, see the analyses of claims 1 & 7.

Regarding claim 36, see the analyses of claims 1, 7 & 33.

Regarding claim 37, it's clear that the housing structure of the card from both Watanabe (Figs. 1 & 5) and Freeman's teachings (Figs. 1A-1C) is hard in order to maintain the card's shape and functionality (it is importantly noted that the level of "hard" is not claimed).

Regarding claim 38, Although Watanabe does not teach that video clips are stored in the memory and are playable by the dedicated processing circuitry, this is compensated by Freeman's teaching in col. 3, lines 60-61, wherein a sequence of images for animation are stored in the memory and are playable on the display by the dedicated processing circuitry (i.e., microprocessor 16). Therefore, it would have been obvious to one of ordinary skill in the art to configure the memory in Watanabe for storing video clips, thereby enabling the user to watch motion images, i.e., some special moments in his/her life, etc., in addition to still images to improve the functionality of the card.

4. Claims 2, 3, 20, 21, 23 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al and Freeman et al as applied to claims 1, 11 and 19 and in further view of Rowland (US 5,801,970).

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Regarding claims 2 & 3, Watanabe teaches the apparatus of claim 1 having a CPU as a processing circuitry as analyzed above. Watanabe and Freeman do not explicitly disclose an ASIC or PLD circuitry. However, Rowland teaches that it is well known for a processing circuitry to be implemented either by a CPU, ASIC or PLD circuitry (see Rowland, col. 4, lines 49-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative circuitry such as an ASIC or PLD in place of the CPU of Watanabe for processing the stored image data without changing a scope of the invention.

Regarding claims 20, 21, 23 & 24, see the analyses of claims 2 & 3.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al and Freeman et al as applied to claim 1 and in further view of Eisele et al (US 6,089,459).

Regarding claim 5, Watanabe teaches the apparatus of claim 1 having advancing units (23a, 23b shown in Figs. 5 & 7) for advancing digital images on the display. Watanabe and Freeman do not teach that the electronic display displays at least one user input location for advancing which digital image is displayed on the electronic display. Eisele suggests optional touch screen functions on a display of a portable electronic device for controlling or manipulating data of the device (see Eisele, col. 8, lines 57-64). This would reduce the overall weight of the device and make it more compact.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure Watanabe's device with the touch screen display taught by Eisele to make an electronic photo album with a touch screen display which displays at least one user input location for advancing digital image on the electronic display so that a lighter and more compact photo album device is realized.

6. Claims 8, 10, 12, 25, 26 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al and Freeman et al as applied to claims 1, 11 & 22 and further in view of Hornback (PCT WO 99/56463).

Regarding claim 8, Watanabe discloses an electrical connector (29/30) mounted to the housing as shown in Figs. 1-7 for loading digital images into the memory (22). Watanabe further suggests that his electronic photo album is not only arranged to be connected to a digital camera but it can also be connected to other recording apparatus or a playback apparatus by means of electrical contacts (see Watanabe, col. 6, lines 19-25). Watanabe and Freeman do not explicitly describe that the means of electrical contacts is a cable connected to the connector. Hornback teaches communications between electronic devices (i.e., between photo albums 130 and 404 shown in Fig. 4) is established for sharing images between the electronic photo albums by using either USB, FireWire cables, or infrared interface (page 7, lines 19-24).

Therefore, it would have been obvious to one of ordinary skill in the art to enhance the electronic photo album in Watanabe by incorporating the teaching of communication interface in

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Hornback for an alternative configuration by using a cable (i.e., USB cable, FireWire cable, etc.) to extend a distant between devices for sharing digital images instead of a direct contact.

Regarding claim 10, although Watanabe teaches an electronic photo album (20) as analyzed in claim 1, wherein the digital images are loaded into memory via a connector (29/30), Watanabe fails to teach that the electronic photo album comprises a Flash memory connector such that the digital images are loaded into the memory via a Flash card connector to the memory connector. However, it is generally known in the art that an electronic photo album or a memory card can be a Flash memory having compatible Flash memory connector for transferring image data as suggested by Hornback in page 7, lines 11-16.

Therefore, it would have been obvious to one of ordinary skill in the art to improve the imaging apparatus in Watanabe with a Flash memory technology having compatible Flash memory connector for loading image data into the memory so that the image data is retained in the photo album 20 without requiring power supply after being removed from the digital camera which is major advantage of the Flash memory (non-volatile) over other volatile memories, such as memory 22 in Watanabe.

Regarding claim 12, see the analysis of claim 8. Also see Fig. 7A in Hornback for all devices being connected.

Regarding claims 25 & 26, see the analysis of claim 8, wherein USB or FireWire is a conventional interface cable.

Regarding claim 28, see the analysis of claim 10.

7. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 4,887,161) in view of Ray et al (US 5,321,751).

Regarding claim 30, Watanabe discloses a portable electronic photo album comprising: a structure (structure 20, Figs. 1 & 5) that fits within a pocket-sized wallet (see col. 6, lines 10-15, wherein the card 20 can be as small as **an ID card** which inherently fits within a pocket-sized wallet);

an electronic display (LCD 24), located on the structure, capable of displaying digital images;

a memory card, coupled to the structure and matable with the structure that stores one or more digital images (col. 6, lines 50-51, wherein memory 22 is mated with the structure 20 to form a card structure as shown in Fig. 7);

dedicated processing circuitry (CPU 21 and/or peripheral circuitry) coupled to the structure and being coupled to the display and to the memory card when the memory card is mated to the structure (i.e., during manufacture of the photo album 20), the processing circuitry being substantially dedicated to displaying on the electronic display the one or more digital images stored in the memory card (Fig. 7; col. 5, line 60 – col. 6, line 15).

Watanabe further suggests that other various applications are possible (Watanabe, col. 6, lines 10-15).

Watanabe fails to teach a magnetic strip located on the structure that includes credit card information, wherein the magnetic strip is operable to be swiped through a credit card reader.

As taught by Ray, a credit card (10) has a magnetic strip as shown in Fig. 1. The credit card can include a storage for storing a digital image beside conventional credit card information so that digital picture of the owner or authorized user can be securely verified. See abstract, col. 1, lines 5-12 and col. 4, lines 8-26.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Watanabe and Ray to make a credit card having a magnetic strip containing credit card information, which is to be read by a credit card reader in addition to digital images of the card owner or authorized user, would be stored in the card structure so that the credit card would be not only used as a personal electronic photo album but also used for visual validation in a convenient and secured manner.

Regarding claim 31, Watanabe further discloses a display memory (display memory buffer 24A; Fig. 7) and that the processing circuitry in Watanabe swaps image data from the memory card into the display memory for display on the electronic display (see col. 6, lines 62-66).

Regarding claim 32, it is also clear that the image data can be displayed on the LCD 24 directly from the memory card without using a display memory buffer as shown by Watanabe in Fig. 4.

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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